

Philadelphia's Fair Chance Hiring Law

*Ensuring that people with criminal
records have a fair chance to work.*

*It is illegal in Philadelphia for **employers*** to ask about your criminal record before extending a conditional offer of employment, reemployment, promotion, or increased compensation. ***Some employers are exempt.***

On job applications and during interviews:

Employers can:

- Provide notice that they intend to conduct a criminal background check **after** a conditional offer is extended to you.

Employers cannot:

- Ask about your criminal background or request you to disclose arrest or conviction history, even if you are told that you do not have to answer the question.

After a conditional offer is made:

Employers can:

- Run your criminal background check.
- Consider a criminal conviction, **only if**:
 - A felony conviction or release from custody (whichever is later) occurred **in the last 7 yrs.**
 - A misdemeanor conviction or release from custody (whichever is later) occurred **in the last 4 yrs.**
- When considering convictions, they **must** do an **individualized assessment** based on:
 - The nature of the offense; time that has passed since the offense; employment history; the particular duties of the job; evidence of rehabilitation.

Employers cannot:

- Maintain a blanket policy of excluding all individuals with a history of convictions.
- Consider:
 - Summary offenses (lowest-level criminal offense, usually results in a fine)
 - Arrests that did not lead to convictions
 - Expunged or sealed convictions
 - Juvenile records
- Rescind the offer unless, based on all assessment factors, employing you would pose a specific unacceptable risk to their business or to co-workers or customers.

If an employer seeks to rescind the conditional offer based on your criminal record, they must:

- Send you a written notice of their intent to rescind the offer. It must include:
 - A summary of your rights under the Fair Chance Hiring law
 - The basis for their decision, including the documents they relied on to make their decision
 - A statement that before making a final decision, they will consider any errors in the record and/or evidence of rehabilitation or mitigation
 - Clear and accurate instructions on how and where to submit a response directly to them
 - Notice that you have 10 business days to provide your response to them

If you believe an employer has violated the law, you can file a complaint with the PCHR.

✉ pchr.phila@gov

🌐 www.phila.gov/humanrelations

📍 Philadelphia Commission on Human Relations
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The Philadelphia Code § 9-3509